

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.3971 OF 2005

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home, appearing for the respondents 1 to 4.

In pursuance of a Complaint filed by the 5th respondent herein, in the Court of the XXII Metropolitan Magistrate, Hyderabad, Crime No.280/04 dated 31.12.2004 has been registered against the Writ Petitioner and others on the file of the Women Police Station, South Zone, Hyderabad, under Section 498-A IPC and under Section 4 of the Dowry Prohibition Act.

This Writ Petition is filed alleging that all the allegations made by the 5th respondent are false and without any basis and that she filed the Complaint before the Court by suppressing all the relevant facts. It is also alleged that the respondents 1 to 3 – Police Officials, failed to enquire into the matter properly and that they have not even recorded the statements of the witnesses, nor conducted any '*Panchanama*', nor seized any Material Objects to prove the allegations of the 5th respondent. It is alleged that police failed to send the 5th respondent for medical examination so as to find out the correctness of her allegations that she was mercilessly beaten by the writ petitioner and others on 19.12.2004. On the above allegations this Writ Petition has been filed on 22.2.2005 seeking a declaration that the action of the respondents 1 to 4 in not sending the victim/5th respondent in Crime No.280/04 on the file of Women Police Station, South Zone, Hyderabad, for medical examination, not conducting '*Panchanama*' or enquiry, as arbitrary and illegal.

In response to the *Rule Nisi* ordered, on behalf of the respondents 1 to 4, the Inspector of Police, Women Police Station, South Zone, filed a counter-affidavit denying the allegations made by the Writ Petitioner as to the inaction on the part of the Investigating Officials. It is explained that during the course of investigation, the Investigating Officer examined four (4) witnesses and recorded their detailed statements, which corroborated the contents of the FIR. It is further stated that the investigation is almost complete and they are about to file the charge-sheet. It is also

stated that the Writ Petitioner who is the accused in Crime No.280/04 was arrested on 26.10.2005 and sent for remand. Accused Nos. 2 and 3 were surrendered on 1.2.2005 and 2.2.2005 and they were subsequently released on bail. It is also stated that Accused No.1 obtained anticipatory bail.

I have heard the learned counsel for the writ petitioner as well as the learned Government Pleader for Home, appearing for the respondents.

The learned Government Pleader under instructions states that since the investigation has come to an end, the charge-sheet will be filed before the competent Court by 15.11.2005 positively.

Having regard to the facts and circumstances and in the light of the averments made in the counter-affidavit, I am of the view that it is not necessary for this Court to express any opinion as to the correctness of the allegations made by the 5th respondent in her Complaint and the counter allegations made by the writ petitioner in this Writ Petition. Since the investigation has already been conducted in Crime No.280/04, after the charge-sheet is filed, the competent Court after considering the relevant aspects will take appropriate action in accordance with law. Even with regard to the allegations made by the Writ Petitioner against the Investigating Officials, it is always open to him to raise such objections before the Court after the charge-sheet is filed, in which event the same shall be considered in accordance with law.

Accordingly, recording the statement of the learned Government Pleader that the charge-sheet will be filed by 15.11.2005, the Writ Petition is disposed of. No costs.

28th October, 2005.

Kgr/vgb

Issue CC by today.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.3971 OF 2005

28.10.2005

Between:

Shaik Zaheer Ahmed. .. Petitioner.

And

The Commissioner of Police,

Hyderabad and Others. ..Respondents.